

JAN 21 2003

97-21

**From:** Tammy.Bauck@state.sd.us  
**To:** CCB CCBSecretary  
**Date:** Sat, Jan 18, 2003 5:12 PM  
**Subject:** South Dakota -Waiver Request

**CC:** Tammy Bauck@state sd us, Karon Schaack@state sd us,  
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JAN 21 2003

Request for Waiver of Deadline

**CC Docket Nos. 96-45**

**CC Docket Nos. 97-21**

**I. Contact:**

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**2. Applicant Information**

Applicant Name: **South Dakota Department of Education & Cultural Affairs**

Billed Entity Number: **204869**

Funding **Year 5**

FRNs this waiver applies to:

FRN 862390

FRN 862159

FRN 857858

FRN 857960

FRN 858210

FRN 858302

FRN 858389

FRN 861594

FRN 859666

FRN 869994

**3. Waiver Explanation**

The Department recognizes that the signature sheets for the above mentioned FRNs were not dated and postmarked until January 18, 2002, the day after the Year 5 window closed. As a result all of the FRNs are considered to be filed outside of the Year 5 window. The Department feels a waiver of the deadline is appropriate because all the data for these FRNs was filed electronically via the web before the window closed. The first indication the Department had that there was a problem with these Year 5 FRNs was via an email on November 25, 2002, that was the result of the Department's inquiry

The Department feels that this waiver would be in the best interest of the 175 public school districts in the state who are the direct beneficiaries of the services sought under these FRNs. The internet access, the bandwidth for videoconferencing, and the managed data services, which are the services requested under these FRNs, are provided free to all public schools in the state via the Digital Dakota Network (DDN), our statewide data and videoconferencing network. State funds pay for these services so that all public schools in this remote state have equal access. The state is assisting in doing exactly what the E-rate program was intended to **do**, level the playing

field. Denying this request for waiver puts the entire state and all of its public school students at a significant disadvantage from the rest of the country

Many E-rate applicants would agree that the process for filing can be a confusing, and sometimes, overwhelming task. For a state filled with small schools with limited staff, removing the responsibility of E-rate application, also removes a significant burden off of them. South Dakota is the only state that has taken on the tremendous responsibility of filing for E-rate for all public schools in the entire state so that no matter the size or location, every student has the same access. The services sought under these 471s not only includes internet but videoconferencing. There are over 220 videoconferencing units on the DDN, one in every public high school. Last semester there were almost 100 high school classes being offered from South Dakota high schools to other South Dakota high schools. Over a thousand South Dakota students participated in these daily classes. South Dakota schools provide these classes and participate in these classes because they need to. Many schools do not have certified teachers to teach Math, Science, and Foreign Language classes. The few schools that do have these teachers, do not have enough students to fill them. The capacity and capability of the DDN brings the two together to meet both of their needs. E-rate contributes to the future of the DDN and the services it provides to all South Dakota public school students.

The fact that the state was filing applications up until the last day is not an indication that the application process is taken lightly or that appropriate planning had not occurred. The 470s were filed months before the window opened to allow enough time for contracting. It takes cooperation from a number of state offices and agencies to get all the necessary statewide data to file these applications. This also includes a number of telecommunication contracts which are negotiated by an entirely different agency within state government. Because that agency must work with a number of vendors to negotiate these contracts, the process can be legally complicated and can take significant time. The state works very hard; and has been successful, in negotiating very reasonable telecommunication rates/costs. This further ensures that state dollars and E-rate discounts go as far as possible.

Most South Dakota schools and students will see very little benefit of the Universal Service Fund if the deadline is not waived and these FRNs are not considered for funding. Denying this waiver indicates that a technicality is more important than the best interests of all of the 120,000+ public school students in the 365 school buildings spread across this state who will be punished because some signatures were 1 day late.

We respectfully seek and appreciate your due consideration regarding this waiver request

#### 4. Authorized Signature

Tammy Bauck  
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South Dakota Department of Education & Cultural Affairs  
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